

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**A. JUBAL HARRIS,**

**Plaintiff,**

**v.**

**RICHARD K. DAVIS,**

**Defendant.**

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**Case No. 2:15-cv-02981**

**JUDGE ALGENON L. MARBLEY**

**Magistrate Judge Deavers**

**ORDER**

This matter comes before the Court on Magistrate Judge Deavers's November 16, 2016 **Report and Recommendation** (Doc. 25), which recommended that Plaintiff A. Jubal Harris's case be dismissed without prejudice, due to his failure to effect service upon Defendant Richard K. Davis (the sole remaining defendant in this action) under Rule 4(m), and his failure to comply with this Court's Show Cause Order. (Doc. 24.) The Report and Recommendation specifically advised the parties that the failure to object results in a waiver of the right to have the district judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. (Doc. 25 at 2.) The parties have failed to file any objections, and the deadline for objections (December 5, 2016) has lapsed.

The Court hereby **ADOPTS** the Report and Recommendation (Doc. 25) based on the independent consideration of the analysis therein. This case is hereby **DISMISSED** without prejudice.

**IT IS SO ORDERED.**

s/ Algenon L. Marbley  
**ALGENON L. MARBLEY**  
**UNITED STATES DISTRICT JUDGE**

**DATED: February 1, 2017**